

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**WILLIAM P. BOUDA,**

**Defendant.**

**CASE NO. 8:11CR112**

## AMENDED TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report (“PSR”). According to the Addendum to the PSR, the government initially objected to the probation officer and indicated an intent to present evidence at sentencing. However, the government did not file objections with the Court or otherwise comply with the provisions of ¶ 6 of the Order on Sentencing Schedule regarding any evidence it intends to offer, the objections referred to in the Addendum are considered to be waived. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Court also received the Defendant's motion for downward departure and supporting brief via e-mail, as the Court's CM/ECF system was down when defense counsel attempted to file those papers. Defense counsel is advised to file the motion and brief as soon as possible, as they will not be included in the record unless they are filed.

IT IS ORDERED:

1. The Court's tentative findings are that the PSR is correct in all respects;

2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final;

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing; and

5. The Defendant's motion for downward departure (Filing No. \_\_) will be heard at sentencing.

DATED this 13<sup>th</sup> day of December, 2011.

BY THE COURT:

s/ Laurie Smith Camp  
United States District Judge